US Army Corps of Engineers
St. Paul District

U.S. Army Corps of Engineers (Corps) Information Relating to Ferrous Mine Proposal Reviews

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General Timeline[1] for Environmental Review Requirements for Ferrous Mine Proposals

The environmental review and permit evaluation process for ferrous mine proposals generally takes from 2 to 4 years, or more, to complete. After an application is filed, development of an EIS includes seven steps:

1. Notice of Intent (NOI) to prepare an EIS & scoping for the EIS - approximately 2 months.
2. Obtaining a 3rd-party contractor to prepare the EIS (as guided by the Corps) takes approximately 3 months. The cost of preparing a 3rd party EIS varies, but it can exceed several million dollars, depending on the scope of the proposal and the range of potential environmental impacts.
3. Preparation of the draft EIS historically has taken 9 to 18 months. Project changes or the need for additional information can extend this time frame, as discussed further below.
4. Distribution of a draft EIS with a 45 day comment period - approximately 2 months.
5. Responding to comments and preparing a final EIS takes approximately 2 – 6 months (provided no new information needs to be collected). Comment responses that lead to additional analyses of environmental impacts can add significant additional time to the preparation of the final EIS.
6. Preparing a final EIS notice of availability with a 30 day comment period takes approximately 2 months.
7. Preparing a Record of Decision (Permit Decision) takes approximately 3 months.

Council on Environmental Quality and Corps regulations for completion of an EIS are located at 40 Code of Federal Regulations (CFR) Part 1500-1508, 33 CFR Part 230, and 33 CFR Part 325, Appendix B.

Compensatory Mitigation Requirements (33 Code of Federal Regulations Part 332)

Compensatory mitigation (mitigation) is often required for unavoidable, minimized impacts to aquatic resources, including wetlands, rivers, and streams. It is not restricted to scenarios where aquatic resource loss is deemed significant, nor is it restricted to federally regulated waters.

1. The Corps prioritizes mitigation that follows a watershed approach.
2. Mitigation that is in-place, in-kind, and in-advance relative to the proposed loss is preferred.
3. Replacement ratios are often used as a surrogate for determining the amount of mitigation required; however, the primary goal of mitigation is replacement of lost aquatic resource functions.

Analysis of Alternatives (40 Code of Federal Regulations Part 230 and 1502)

1. As part of the NEPA process, the Corps evaluates all reasonable and feasible alternatives, resulting in selection of an environmentally preferred alternative which best avoids or minimizes adverse effects to the quality of the human environment. This alternative is further evaluated for compliance with the 404(b)(1) guidelines and subject to a public interest review.
2. Any authorized impact must not have a practicable alternative with less adverse impact on the aquatic ecosystem, provided that there are not other significantly adverse environmental consequences.
3. In general, practicable alternatives to locate ferrous mining processing plants or other facilities are not restricted to locations at or immediately adjacent to the mine site.
4. Applicants would be required to provide a robust alternatives analysis for ancillary features of a mine site when those facilities impact wetlands.

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[1] The timelines above are estimates based on EIS reviews completed in MN and should be considered minimum timeframes for each process for most ferrous mine proposals. The completion of individual studies, such as the development of groundwater models, water quality studies, or other project-specific studies undertaken to identify environmental impacts and assess effects can significantly lengthen EIS schedules.